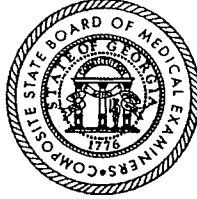


COMPOSITE STATE BOARD OF MEDICAL EXAMINERS



EXECUTIVE DIRECTOR
LaSharn Hughes

MEDICAL DIRECTOR
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COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

NOTICE OF INTENT TO AMEND AND ADOPT RULES

TO ALL INTERESTED PARTIES:

Notice is hereby given by the Composite State Board of Medical Examiners ("Board") that it intends to amend Chapter 360-3, entitled "Investigations and Discipline," by adding paragraph (21) of rule 360-3-.02, entitled "Unprofessional Conduct Defined. Amended." An exact copy of the proposed new rule is attached to this Notice.

This notice, together with an exact copy of the proposed rule and a synopsis of the proposed rule are being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rules and a synopsis of the proposed rules may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except official State holidays, at the office of the Composite State Board of Medical Examiners, 2 Peachtree Street, N.W., 36th Floor, Atlanta, Georgia 30303.

Any interested person who will be affected by these rules may present his or her comments to the Board no later than August 31, 2007 or make comments at the public hearing. Comments may be directed to Diane Atkinson, Composite State Board of Medical Examiners, 2 Peachtree Street, NW, 36th Floor, Atlanta, Georgia 30303-3465 or may be received by the Board by e-mail at matkinson@dch.ga.gov.

A public hearing is scheduled to begin at 11:00 a.m., on September 14, 2007 at the 36th Floor Board Room, 2 Peachtree Street, N.W., Atlanta, Georgia 30303, to provide the public an opportunity to comment upon and provide input into the proposed rules.

The Board voted to adopt this Notice of Intent on July 13, 2007 and intends to adopt the attached rules at its meeting on September 14, 2007, after the conclusion of the public hearing, at the 36th Floor Board Room, 2 Peachtree Street, NW, Atlanta, GA 30303.

The authority for promulgation of these rules is O. C. G. A. §§ 43-34-103, 43-34-107, 43-34-108, 43-1-19, 43-1-25 and the specific statutes cited in the proposed rules. This Notice is adopted and posted in compliance with O.C.G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rule and an economic impact statement are attached to this Notice.

Date:

7/17/07

Signed:

LaSharn Hughes

Executive Director

Composite State Board of Medical Examiners

RULES
OF
COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

CHAPTER 360-3
INVESTIGATIONS AND DISCIPLINE

360-3-.02 Unprofessional Conduct Defined. Amended.

O.C.G.A. §§ 43-1-19 and 43-34-37 authorize the Board to take action against licensees for unprofessional conduct. "Unprofessional conduct" shall include, but not be limited to, the following:

(21) to be an employee of a Physician's Assistant whom the physician supervises in the performance of medical tasks or in providing patients' services. This rule shall not apply to a physician who can establish to the Board's satisfaction that:

- (a) the arrangement specifically mandates that the physician exercises independent judgment and control in the practice of medicine;
- (b) the physician's actions while engaging in the practice of medicine shall not, under any circumstances, be subject to the control of the physician's assistant; and
- (c) the policies and procedures implemented prevent the exertion of undue influence by the employing physician's assistant.

Authority: O.C.G.A. §§ 43-1-19, 43-34-21, 43-34-24, 43-34-37

ECONOMIC IMPACT AND SYNOPSIS FOR
AMENDMENTS TO CHAPTER 360-3
INVESTIGATIONS AND DISCIPLINE

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34 and the Georgia Administrative Procedure Act, Title 50, Chapter 13 of the Official Code of Georgia Annotated. The Composite State Board of Medical Examiners licenses and regulates nine professions. The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Chapter 34 of Title 43 of the Official Code of Georgia Annotated. Additionally, it is not legal or feasible to meet the objectives of Chapter 34 of Title 43 of the Official Code of Georgia Annotated to adopt or implement differing actions for businesses listed at O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D).

Rules 360-3-.02 Unprofessional Conduct Defined. Amended.

Purpose: The purpose of the proposed new rules is to implement the provision of Code Section 43-34-37.

Main Features: The proposed addition of paragraph (21) of Rule 360-3-.02 further defines unprofessional conduct.